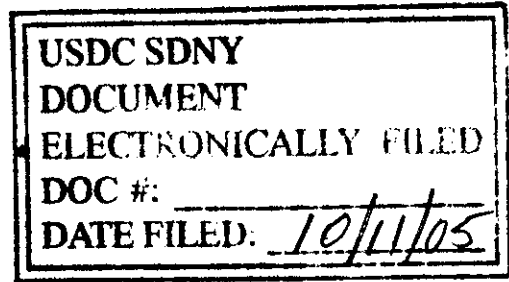


UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK



-----X
ALEX RODRIGUEZ,

Plaintiff,

05 Civ. 0860 (RJH)

- against -

ORDER

COTY, US, L.L.C., et al.

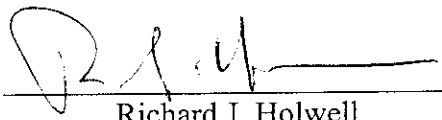
Defendants.
-----X

By Order dated July 29, 2005, the Court ordered plaintiff to appear at his August 19, 2005 deposition and also warned that failure to appear would "result in the entry of an order dismissing [this] case with prejudice." [Docket # 7]. Defendants' counsel has since advised the Court that plaintiff did not appear as ordered, and, on that same basis, plaintiff's counsel has asked to withdraw as counsel. In light of plaintiff's failure to prosecute this action, the Court orders that the case be dismissed with prejudice pursuant to Fed. R. Civ. P. 41(b). The Court denies plaintiff's counsel's request to withdraw as moot.

The Clerk of the Court shall close this case.

SO ORDERED.

Dated: New York, New York
October 3, 2005


Richard J. Holwell
United States District Judge